

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 4, line 28, after "who" insert "**the person knows**".
- 2 Page 4, after line 38, begin a new paragraph and insert:
- 3 "SECTION 4. IC 35-42-4-6, AS AMENDED BY P.L.124-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 6. (a) As used in this section, "solicit" means to
- 6 command, authorize, urge, incite, request, or advise an individual:
- 7 (1) in person;
- 8 (2) by telephone;
- 9 (3) in writing;
- 10 (4) by using a computer network (as defined in IC 35-43-2-3(a));
- 11 (5) by advertisement of any kind; or
- 12 (6) by any other means;
- 13 to perform an act described in subsection (b) or (c).
- 14 (b) A person eighteen (18) years of age or older who knowingly or
- 15 intentionally solicits a child under fourteen (14) years of age, or an
- 16 individual the person believes to be a child under fourteen (14) years

1 of age, to engage in:
2 (1) sexual intercourse;
3 (2) deviate sexual conduct; or
4 (3) any fondling or touching intended to arouse or satisfy the
5 sexual desires of either the child or the older person;
6 commits child solicitation, a Class D felony. However, the offense is
7 a Class C felony if it is committed by using a computer network (as
8 defined in IC 35-43-2-3(a)) **and the offense is a Class B felony if the**
9 **person commits the offense by using a computer network (as**
10 **defined in IC 35-43-2-3(a)) and has a previous unrelated conviction**
11 **for committing the offense by using a computer network (as**
12 **defined in IC 35-43-2-3(a)).**

13 (c) A person at least twenty-one (21) years of age who knowingly or
14 intentionally solicits a child at least fourteen (14) years of age but less
15 than sixteen (16) years of age, or an individual the person believes to
16 be a child at least fourteen (14) years of age but less than sixteen (16)
17 years of age, to engage in:

18 (1) sexual intercourse;
19 (2) deviate sexual conduct; or
20 (3) any fondling or touching intended to arouse or satisfy the
21 sexual desires of either the child or the older person;
22 commits child solicitation, a Class D felony. However, the offense is
23 a Class C felony if it is committed by using a computer network (as
24 defined in IC 35-43-2-3(a)) **and the offense is a Class B felony if the**
25 **person commits the offense by using a computer network (as**
26 **defined in IC 35-43-2-3(a)) and has a previous unrelated conviction**
27 **for committing the offense by using a computer network (as**
28 **defined in IC 35-43-2-3(a)).**

29 (d) In a prosecution under this section, including a prosecution for
30 attempted solicitation, the state is not required to prove that the person
31 solicited the child to engage in an act described in subsection (b) or (c)
32 at some immediate time.

33 SECTION 5. [EFFECTIVE JULY 1, 2007] **IC 35-42-4-6, as**

1 **amended by this act, applies only to offenses committed after June**
2 **30, 2007."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1386 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L